

# UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

United States of America

v.

JOSE R. MARTINEZ

Date of Previous Judgment: 02/25/2002  
(Use Date of Last Amended Judgment if Applicable)

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Case No: 00-CR-40093-DRH

USM No: 05244-025

Phillip J. Kavanaugh

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 190 months **is reduced to** 152 months.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 34

Amended Offense Level: 32

Criminal History Category: II

Criminal History Category: II

Previous Guideline Range: 168 to 210 months

Amended Guideline Range: 135 to 168 months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

### III. ADDITIONAL COMMENTS

This Order is entered as the result of U.S.S.G. Amendment 706 as amended by 711, relating to crack cocaine. If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence, understanding that it is the intent of the Court that this order not affect the length of supervised release ordered previously.

Except as provided above, all provisions of the judgment dated 02/25/2002 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: September 19, 2008

/s/ David R. Herndon

Judge's signature

Effective Date: September 29, 2008  
(if different from order date)

David R. Herndon - United States District Chief Judge  
Printed name and title